IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 16TH OCTOBER 2007 / 24TH ASWINA 1929

WP(C).No. 30485 of 2007(D)

PETITIONER:

ABDU SAMAD.T.,
S/O.ABDUL AZEEZ, AGED 25 YEARS,
THAYYIL HOUSE, THEKKAN KUTTOOR AMSOM AND DESOM,
TIRUR TALUK, MALAPPURAM DISTRICT.

BY ADV. SRI.P.S.ABDUL KAREEM

RESPONDENT:

THE KERALA STATE WAKF BOARD,
REPRESENTED BY ITS EXECUTIVE OFFICER,
NEAR JAWAHARLAL NEHRU STADIUM, PALARIVATTOM,
KOCHI-682 025.

BY ADV. SRI.P.A.ABDUL JABBAR, SC, WAKF BOARD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 16/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.

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W.P.(C) No. 30485 OF 2007 D
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Dated this the 16th October, 2007

J U D G M E N T

The prayer in this writ petition is to direct the respondent to conduct election by taking recourse to secret ballot system. Petitioner is not able to make reference to any statutory provision or even a provision in the bye-law which obliges the respondent to do so. Counsel for the petitioner submits that such a course of action is warranted for a free and fair election. In the absence of a legal right made out by the petitioner or a duty cast on the respondent, this Court will not be justified in issuing a direction as prayed for. If ultimately the election is vitiated on any ground, at that stage it will be open to the petitioner to challenge the same. But that does not entitle the petitioner to maintain a writ petition at this stage.

Writ petition fails and is dismissed.

ANTONY DOMINIC,
JUDGE

jan/-